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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION

Implementation of paragraphs 12 and 13 of General Assembly resolution 47/34 on granting travel assistance to delegates of developing countries

Report of the Secretary-General

I. INTRODUCTION

1. The United Nations Commission on International Trade Law (UNCITRAL), when discussing at its twenty-third session the United Nations Decade of International Law, noted that the activities, suggested by the General Assembly in its resolution 44/23 of 17 November 1989, relating to the teaching, study, dissemination, wider appreciation and promotion of international trade law would have their impact in all regions, but that they would be of greatest significance in developing countries. In the same spirit, it was suggested that an attempt should be made to finance the travel of experts from developing countries, and especially from States Members of the Commission, to the sessions of the Commission and its working groups so that those States would be in a better position to contribute actively to the creation of international trade law. 1/

2. Pursuant to a request expressed in paragraph 5 of General Assembly resolution 45/42 of 28 November 1990, the Secretary-General submitted to the Assembly at its forty-sixth session a report (A/46/349) analysing possible ways by which assistance could be given to developing countries that were members of the Commission, in particular least developed countries, so that they might attend meetings of the Commission and its working groups, bearing in mind the arrangements that existed for United Nations bodies generally pursuant to section IX of resolution 43/217 of 21 December 1988.

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* A/48/150.

3. At its forty-sixth session, the General Assembly adopted resolution 46/56 B of 9 December 1991, in which, inter alia, it requested "the Fifth Committee, in order to ensure full participation by all Member States, to consider granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries that are members of the Commission at their request, in consultation with the Secretary-General, to enable them to participate in the sessions of the Commission and its working groups" and also recommended that "the Commission rationalize the organization of its work and consider, in particular, the holding of consecutive meetings of its working groups".

4. At its forty-seventh session, the General Assembly adopted resolution 47/34 of 25 November 1992, in which, in paragraphs 12 and 13, it states the following:

> "The General Assembly,
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> "...
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> "12. Requests the Fifth Committee, in order to ensure full participation by all Member States, to continue to consider granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries that are members of the Commission at their request, in consultation with the Secretary-General, to enable them to participate in the sessions of the Commission and its working groups;
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> "13. Recommends that the Commission pay special attention to the rationalization of the organization of its work and consider all possibilities for rationalization, in particular the holding of consecutive meetings of its working groups".

5. In the same resolution, the Assembly also requested the Secretary-General to submit to it at its forty-eighth session a report on the implementation of paragraphs 12 and 13 of the resolution. The present report is submitted pursuant to that request.

II. RECOMMENDATION FOR RATIONALIZING THE WORK OF THE COMMISSION

6. At its twenty-seventh session at Vienna, held from 5 to 23 July 1993, the Commission discussed the recommendation made in paragraph 13 of resolution 47/34 that the Commission should pay special attention to the rationalization of the organization of its work and consider all possibilities for rationalization, in particular, the holding of consecutive meetings of its Working Groups. The following is the excerpt from the report of the Commission 2/ on that point.

> "339. The Commission took note with appreciation of General Assembly resolution 47/34 of 25 November 1992 on the report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session. In particular, the Commission took note of the request by the General Assembly, expressed in paragraph 12 of resolution 47/34, that the Fifth Committee in order to ensure full participation by all Member States,

continue to consider granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries that are members of the Commission at their request, in consultation with the Secretary-General, to enable them to participate in the session of the Commission and its working groups. The Commission further took note of the recommendation of the General Assembly, expressed in paragraph 13 of resolution 47/34, that the Commission pay special attention to the rationalization of the organization of its work and consider all possibilities for rationalization, in particular the holding of consecutive meetings of its working groups, and of the Assembly's request, in paragraph 14 of the same resolution, that the Secretary-General submit a report on the implementation of paragraphs 12 and 13 to the Assembly at its forty-eighth session.

"340. The Commission considered the recommendation of the General Assembly contained in paragraphs 13 of resolution 47/34. It was observed that the Commission had on three previous occasions, at its twenty-first session (1988), at its twenty-third session (1990) and at its twenty-fifth session (1992), considered the rationalization of its working methods, including the issue of whether the holding of consecutive meetings for its working groups was practicable and whether it could result in savings on the cost of the travel expenses for delegations to UNCITRAL meetings. The Commission had concluded that the holding of consecutive meetings for its working groups was impracticable. It was noted that because of the nature of the work assigned to each working group, delegations were normally composed of different experts. The holding of consecutive working group meetings would not result in a lesser number of experts travelling to such meetings and would not therefore result in savings on travel costs for delegations. It was further observed that even where the same experts might be able to travel to more than one working group meeting, the length of time that the experts might be required to be away from their duty stations, if working group meetings were to be consecutive, might be too long. Many experts might not be able to afford long periods of absence from their work. Moreover, it was observed that such a practice might encourage States to keep the same experts already attending one working group meeting for the following one, notwithstanding that those experts might not be the appropriate ones, to the detriment of the work of Commission.

"341. The Commission further observed that the holding of consecutive working group meetings would not result in saving on staff travel costs since different members of the UNCITRAL secretariat were normally assigned to service each working group. The members of the secretariat were customarily involved in the preparation of background research studies analysing various aspects of the subject under consideration by the working group to which they were assigned. It was noted that it would be impracticable to assign a member of staff who had not been involved in the preparation of documents relating to a particular working group to service that working group. The holding of consecutive working group meetings would not therefore result in a reduction in the number of members of the secretariat travelling to such meetings. It was suggested that the upcoming working group sessions, with two instances of consecutive

meetings, would provide an opportunity for witnessing the practical effects of consecutive meetings and would in all likelihood demonstrate the above disadvantages to the work of the Commission."

III. CONTINUED LOW INCIDENCE OF REPRESENTATION OF DEVELOPING COUNTRIES IN MEETINGS OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

7. In the report of the Secretary-General in paragraph 2 above, the Secretary-General reviewed the incidence of expert representation of developing countries in the Commission's meetings and those of its Working Groups. The report reviewed such representation for three years prior to its submission. In establishing the need for assistance to representatives of developing countries, the report stated that there indeed was very low incidence of representation in the Commission's activities thus preventing developing countries from actively contributing a full and equitable manner to attaining the goals of the Commission as defined in its mandate.

8. A review of the situation since the presentation of the above-mentioned report reveals that the incidence of expert representation of developing countries continues to be very low. As an example, all member States of the Commission, except five from developing countries, attended the twenty-sixth session of the Commission at Vienna from 5 to 23 July 1993. Representation in the Working Group meetings, which is where deliberations on the legal texts take place before being presented to the Commission, was at an even lower level in the year preceding the twenty-sixth session. Hardly a third of the developing countries members of the Commission had representation at the meetings of all the three working groups. In the same year, the secretariat of the Commission received a number of inquiries from developing countries who wished to attend some of the sessions, on whether it would be possible to provide assistance to enable them attend. The Secretary-General would therefore like to suggest that the General Assembly might wish to consider finalization of this matter during the forty-eighth session.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 17 (A/45/17), para. 73.

2/ Ibid., Forty-eighth Session, Supplement No. 17 (A/48/17).